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June 14, 2006

TO: Transportation Authority Board Of Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Bike/Pedestrian Path Maintenance, Agenda Item 6

Executive Summary

Marin County has a high quality network of bike and pedestrian paths that have become a strong attraction for both residents and visitors. The uniqueness of the path system in Marin County is its ability to connect jurisdictions while skirting beautiful vistas and tranquil waterways. For some time, the users of the path system have raised concerns over adequate path maintenance. Users have claimed a need for both increased routine maintenance as well as longer term rehabilitation.

The responsibility for maintaining the existing path systems lies primarily with the jurisdiction in which the path lies. While path systems have been secured by local police and fire departments, the path systems may not be receiving an ideal level of routine maintenance regarding weed control, sweeping of rock and debris, litter pickup, and graffiti removal. As well, longer term maintenance of paths has been largely unaddressed, as higher priority needs for rehabilitating local roads has taken precedence, and funding for either has been historically scarce.

The TAM Board has been asked to consider a number of policy elements regarding both long-term and routine maintenance of the path systems in Marin County. The path system commonly known as the North-South Greenway from San Rafael southward has been often mentioned as the core system most needing to be addressed. It should be noted that additional system components beyond the North-South Greenway may also need maintenance and rehabilitation, particularly those elements of the north-south system extended into and through Novato.

Staff presents the following policy recommendations for consideration by the Executive Committee. These are in response to comments raised during the Strategic Plan Public Hearing on May 25th.

Recommendation: Consider and comment on the below policy elements for adoption by the TAM Board.

Phase 1 Efforts: Inventory and Adopt-a-Path Program

To address the need for both major and routine maintenance, TAM staff recommend that as a first phase, that TAM support a thorough inventorying of the existing path system. This inventory will include Class 1 pathways as a separate unique effort. Class 2 pathways shall be inventoried as part of the upcoming effort to update all of the county's local bikeplans. The inventory will include an identification of the path segment; current ownership; unique elements to any existing maintenance and operations agreement; current condition of pavement, striping, signage, support structures such as retaining walls or slopes; routine maintenance practices; frequency and nature of complaints regarding the facility; current funding dedicated to maintenance of the facility; cost estimate for adequate routine maintenance, and cost estimate of near term (10-year) major maintenance needs. The inventory is estimated to cost no more than \$25,000 and can be funded from TDA Article 3 funds remaining from the TAM allocation for the bikeplan updates. The inventory shall address the needs of the existing North-South Greenway system from Sausalito to Novato.

A second element to the first phase efforts is the recommended development of an Adopt-a-Path program for Marin County. This shall be a service that TAM makes available to local jurisdictions. The Adopt-a Path coordinator shall work with the local jurisdiction to identify and coordinate a volunteer corps that will conduct "clean-up" of the local path segment on a regular basis. It is envisioned that TAM's role will be to kick off the effort and monitor its activity, with the local jurisdiction providing material support in the form of supplies for cleanup such as garbage bags, and coordination on clean-up days. The Marin County Bicycle Coalition will be requested to canvass for volunteers to support this effort. The Adopt-a path coordinator can be funded the first year from unused Measure A sales tax funds leftover from the 5% administrative set-aside in FY 2005-06. The funds are remaining due to the slower than anticipated start-up of TAM's office location and hiring of permanent TAM staff. For Fiscal Year 2007-08 and beyond, a new source of funds will be necessary to continue this effort, such as an increase in the city/county fees paid TAM for its Congestion Management Agency, CMA, activities. This is estimated to be up to a half-time position at TAM not to exceed \$100,000, which includes benefits and overhead.

Phase 1 Efforts: Major Maintenance

Staff recommend the TAM Board adopt policy allowing and encouraging major maintenance projects as eligible under two grant programs TAM administers: Transportation Development Act, TDA Article 3 funds, and MTC Regional Bike/Ped Program funds applied and administered at the local level. TDA Article 3 is now eligible for major bike/ped path maintenance, such as repaving, restriping, sign improvements, etc., due to a TDA state law change that took effect in January 2006. While the tradition for TDA at the local level has been that it will not be used for maintenance activities, recent conversations with the county Bicycle Advisory Group, the BAG, and the Marin County Public Works Association, the MPWA, have resulted in support for this concept. Note that TDA Article 3 available to Marin is about \$200,000 annually.

TAM staff have inquired of MTC whether Regional Bike/Ped Program funds are eligible for major maintenance activities. MTC has balked, and further discussion would be needed to determine eligibility. The color of funds used by MTC for this activity will be an issue. MTC may be willing to consider the locals use of their own share of the regional bike/ped funds for major maintenance, if we are able to swap the funds. TAM's policy

adoption would be conditional on effectively negotiating resolution of these MTC's concerns. TAM has \$874,874 in bike/ped funds it has yet to program, that covers a three year period ending FY 2008-09.

New Class 1 Facilities funded by TAM

TAM has a unique role in assuring the long term support of facilities it is directly responsible for. While a majority of the facilities making up the North-South Greenway are not within the direct jurisdictional authority of TAM, TAM is embarking on new construction, such as the construction of a new bike/ped path over Puerto Suello Hill as part of the Measure A transportation sales tax program. TAM may also be directly responsible for the construction of other path elements as part of the Measure A Program's Major or Local Infrastructure Strategy.

For new bike and pedestrian projects funded wholly or in part by Measure A Transportation Sales Tax, it is the intent of TAM that the following policy shall govern the usage of those funds:

- The local jurisdiction(s) benefitting from the facility will contribute to the facility. This contribution shall be codified in an agreement between TAM and the jurisdiction(s) and shall consist of the following:
 1. The local jurisdiction(s) in which the facility lies will be responsible for security of the facility, which shall include policing the facility, and emergency response to accidents, incidents, or fire.
 2. If TAM is responsible for the development of the project, the local jurisdiction(s) in which the facility lies will cooperate with TAM and its consultants on the development of the project through construction. No fees shall be levied against TAM, its consultants, or its contractors to enter and construct the facility on locally owned property.
 3. The local jurisdiction will contribute to the routine maintenance of the facility.

EITHER

- A. The local jurisdiction shall be wholly responsible for routine maintenance of the facility. Maintenance shall consist of sweeping of the facility, removal of major debris such as tree branches or mud flows, litter pickup, weed pulling, and graffiti removal. Necessary replacement of light fixtures shall be included where applicable. Note that funds received by the local jurisdiction annually from TAM under Strategy 3, Local Infrastructure Improvements, are eligible to be spent on ongoing routine maintenance activities.

OR

- B. The local jurisdiction shall be wholly responsible for routine maintenance. Maintenance shall consist of sweeping of the facility, removal of major debris such as tree branches or mud flows, litter pickup, weed pulling, and graffiti removal. Necessary replacement of light fixtures shall be included where applicable. The local jurisdiction can apply for funds from TAM annually that offset up to ½ of the cost of routine maintenance of the facility. TAM may make funds available from the interest revenue it receives from sales tax accrual. Note that funds received by the local jurisdiction annually from TAM under Strategy 3, Local Infrastructure Improvements, are eligible to be spent on ongoing routine maintenance activities.